



Entered on Docket  
August 26, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection  
Of USACM Trust To Proofs Of Claim  
Based Entirely Upon Investment In The  
Eagle Meadows Loan**

Hearing Date: July 26, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The "Eagle Meadows Loan ("Eagle Meadows Loan") [DE 8560] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Eagle Meadows Loan; and good cause  
2 appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8560] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those  
6 claims are based entirely upon an investment in the Eagle Meadows Loan.

7  
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10  
11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> dis approved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Eagle Meadows  
Single Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount Relating to the Eagle Meadows Development Loan</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Eagle Meadows Development Loan</b>
10725-01766	12/13/2006	Acres Corporation PSP	Annemarie Rehberger Trustee PO Box 3651 Incline Village, NV 89450	50,000.00	50,000.00
10725-02413	1/18/2007	Allen M & Dorothy H Nirenstein 1992 Rev Trust	Dtd 3/4/92 Allen & Dorothy Nirenstein Ttees 403 Woodland Rd Kentfield, CA 94904-2635	204,305.56	102,152.78
10725-00453	10/5/2006	Bakas-Halliday, Iona	Po Box 39147 Ft Lauderdale, FL 33339	50,000.00	50,000.00
10725-00979	11/3/2006	Barashy, Nimrod	2868 Redwood St Las Vegas, NV 89146	101,041.67	101,041.67
10725-00704	10/24/2006	Benjamin & Aleath Nicosia Family Trust Dtd 5/10/02	Benjamin & Aleath Nicosia Ttees 15775 W Verde LN Goodyear, AZ 85338-8124	50,000.00	50,000.00
10725-02065	1/11/2007	Brant Trust Dated 12/22/92, Raymond F & Ann L	C/O Raymond F Brant Trustee PO Box 728 Diablo, CA 94528	103,124.98	51,562.49
10725-01985	1/10/2007	Carlton, Daniel	6124 Kami St North Las Vegas, NV 89081	75,000.00	75,000.00
10725-00461	10/5/2006	Carson, Linda	Po Box 8927 Aspen, CO 81612	100,000.00	100,000.00
10725-00980	11/3/2006	Chai 18 Trust	C/O Sam & Simha Barashy Ttees P.O. Box 36703 Las Vegas, NV 89133	101,041.67	101,041.67
10725-01758	12/26/2006	Charlotte Snopko Marital Trust Dtd 8/31/04	Frank Snopko Ttee Stephen R Harris Esq Belding Harris & Petroni Ltd 417 W Plumb Ln Reno, NV 89509	175,000.00	175,000.00

**EXHIBIT A**

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